

AMENDED

NO. 67158

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 23 2001

Returned to applicant for correction FEB 15 2001

Corrected application filed MAR 08 2001

Map filed MAR 08 2001

The applicant **Sultan Sand Company** hereby make application for permission to change the **a portion of the Place of Use and Point of Diversion.** of water heretofore appropriated under **Permit No. 64263**

1. The source of water is **underground**
2. The amount of water to be changed **0.125 c.f.s.**
3. The water to be used for **Mining**
4. The water heretofore permitted for **Mining**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T.24S., R.57E., M.D.M. being S. 88° 14' 03" W. 2778.97 ft. from the Point of Diversion to the SW corner of said Sec. 27.**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 27, T.24S., R.57E., M.D.M. from which the SW cor. of Sec. 30, T.24S., R.57E., M.D.M. bears S. 80° 33' 44" W. 17,254.27 ft.**
7. Proposed place of use **E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, T.24S., R.57E., M.D.M.**
8. Existing place of use **10 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T.24S., R.57E., M.D.M.**
9. Use will be from **Jan 1st to Dec 31st.**of each year.
10. Use was permitted from **Jan 1st to Dec 31st.**of each year.
11. Description of proposed works **Well drilled & cased 760 ft. deep, with total depth being 780 ft., with installed pump & motor.**
12. Estimated cost of works **\$20,000**
13. Estimated time required to construct works **Completed well 780 ft. deep, 10" dia. hole with 6" casing 760 ft. deep.**
14. Estimated time required to complete the application of water to beneficial use **12 months**

15. Remarks: 9.8 acre feet.

By James J. Owens
s/ James J. Owens
P.O. Box 540
Pioche, NV. 89043

Compared gkl/ cmf ds/ cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 64263, is issued subject to the terms and conditions imposed in said Permit 64263, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 64263 and 67158 shall not exceed 15.55 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

If the mine ceases pumping, notify the State Engineer in the yearly report.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.125 cubic feet per second, but not to exceed 9.8 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 7, 2002

Proof of completion of work shall be filed before:

October 7, 2002

Water must be placed to beneficial use on or before:

September 7, 2004

Proof of the application of water to beneficial use shall be filed on or before:

October 7, 2004

Map in support of proof of beneficial use shall be filed on or before:

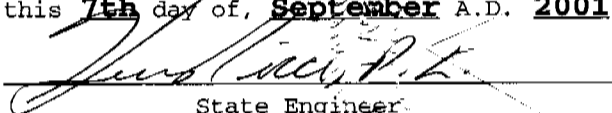
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 7th day of, September A.D. 2001


State Engineer


Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

CANCELLED DEC 23 2003 BECAUSE OF FAILURE
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

 STATE ENGINEER